

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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|--------------------------------|---|-------------------------------|
| FRANK BRETT, | : | No. 1:15-cv-2438 |
| | : | |
| Plaintiff | : | (Judge Kane) |
| | : | (Magistrate Judge Mehalchick) |
| v. | : | |
| | : | |
| CHUCK WINGATE, <u>et al.</u> , | : | |
| | : | |
| Defendants | : | |

ORDER

Before the Court in the above-captioned action is the March 22, 2016 Report and Recommendation of Magistrate Judge Mehalchick. (Doc. No. 8.) No timely objections have been filed.

AND NOW, on this 12th day of April 2016, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

- 1) The Court adopts the Report and Recommendation (Doc. No. 8) of Magistrate Judge Mehalchick;
- 2) All federal claims are **DISMISSED** pursuant to 28 U.S.C. § 1915 (e)(2)(B)(i);
- 3) All remaining state law claims are **DISMISSED WITHOUT PREJUDICE** to Plaintiff refiling those claims in state court pursuant to 28 U.S.C. § 1367(c)(3);
- 4) Leave to amend is **DENIED** as futile; and
- 5) The Clerk of Court shall **CLOSE** this case.

S/ Yvette Kane
YVETTE KANE, District Judge
United States District Court
Middle District of Pennsylvania